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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,045	02/02/2000	Bassel H. Daoud	DAOUD-276-48-12-72-9	7013

7590 12/26/2001
Henry I. Schanzer
29 Brookfall Road
Edison, NJ 08817

EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 12/26/2001

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/497,045

Applicant(s)

DAOUD ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 38-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1) Applicant's election with traverse of invention I, drawn on claims 1-37, in Paper No. 3, is acknowledged. The traversal is on the ground(s) that the non-elected claims 38-47, of invention II, are believed to be examinable together with claims 1-37. This is not found persuasive because while applicants argue that the method and claimed apparatus can be practiced together, the Examiner notes that the claimed apparatus can be used for practicing another and materially different process, for example, shaping of plastic pipe fittings.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2) This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

3) Page 3 identifies co-pending applications. Please indicate numbers of said applications.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4) Claims 1-11, 29, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the cylindrical tube" in line 3; the limitation "the tube" in lines 7 and 8. Claim 5 recites the limitation "the terminations" in line 1. There are insufficient antecedent basis for these limitations in the claims.

Claim 8 is not clear. The specification discloses that the second diameter d_2 is greater than the first diameter d_1 .

Claim 29 is not clear; should the claim perhaps be based on either claim 27 or claim 28.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5) Claims 1-7, 13-19, 23-25, 27-37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (677,161) in view of Prost (4,846,746).

Claims 1, 13, 15, 19, 27, 29, 35: Wilson discloses a mold having two complementary elongated side pieces (F and G), and an end cap (R) with a cylindrical stub for insertion within the opening of a tube at one end, for the purpose of tapering and shaping selected sections of a glass cylindrical tube (Wilson, cols. 2-3, and Figure 3). The claim also recites the limitation of having heating source within a one piece of the mold. Prost discloses a multi piece mold where glass is heated from a heated source within the mold until the glass is rendered malleable to be pressed into a desired shape (Prost, col. 2, lines 10-37, and Figures 1-4). It would have been obvious to combine the teachings of Prost and Wilson, because such a combination would provide an improved means of heating the glass tube in the Wilson design.

Claims 2-7, 14, 16-18, 23-25, 28, 30-32, 34, 36-37: Prost discloses the heating system which includes heat generator 19, which creates a flame 20, burner 19, along heating axis 21, ventilation channels, operable temperatures and sensors (Prost, col. 3, line 49 to col. 6, line 15, and Figures 3-4).

8) Claims 8-12, 20-22, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Prost, and further in view of Sherrerd (1,591,060). Wilson and Prost do not teach the second section of the cylindrical stub extending from the first section beyond the first distance; forming a ledge on the inner diameter of the exhaust tube. Sherrerd discloses that it is well known in the pipe fitting art to use a cylindrical end piece having a first section with a second section extending from the first section for the purpose of creating a ledge within the pipe (Sherrerd, Figure 5, items 1, 2, 6). Sherrerd additionally discloses forming a ledge on the piping Figure 5, items 1, 2,

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6, 7). It would have been obvious to combine the teachings of Sherrerd and Wilson because such a combination would provide for better piping coupling capacity.

Conclusion

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-6:00).

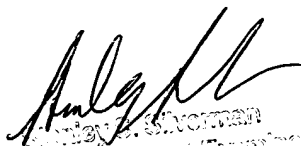
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 703-308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

MH

Mark Halpern
Patent Examiner
Art Unit 1731

December 18, 2001


Stanley Silverman
Supervisor, Art Unit 1731
Technology Center